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INITIATIVE AND REFERENDUM

INITIATIVE AND REFERENDUM

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INITIATIVE AND REFERENDUM.

Two years ago, in a bulletin published for the use of the General Assembly of Ohio, was included a list of references on direct legislation. Since that time much has been written on the subject. In this little pamphlet a much larger list of references is presented. This is supplemented with a copy of the proposed amendment of the constitution of Ohio, which passed the senate March 7th, 1906, and is now pending in the House, together with the full text of the constitutional provisions of all the states that have adopted the initiative and referendum. To these are added the amendments that will be voted upon in Maine, Missouri and North Dakota in 1908. This is the first time that all of these texts have been published together in convenient form for comparison.

The current and prospective interest in this subject, it is believed, fully warrants the somewhat extended bibliography here presented.

TERMS DEFINED.

The *referendum* may be defined in general as the referring of legislation to the people for final rejection or acceptance; the initiative as the giving to the people the right of proposing legislation to be acted upon.

The *referendum*, as it is now generally advocated, requires that no law save a strictly defined class of urgent measures for the public peace, health, and safety, which usually must have a two-thirds or three-fourths majority to pass, shall go into effect without waiting a fixed time, say ninety days. If, during this time, a part of the voters, say ten per cent., sign a petition for the *referendum* on that law, it would not go into effect till the next regular election when the people would vote for it, and if a majority voted no, it would not be a law.

The *initiative* gives the people the power to originate laws. If a certain percentage of the voters, say ten per cent., sign a petition for a law and file it with the proper official, it must come before the legislature, and perhaps be referred to the people.

Sometimes the law requires that legislation be referred to the people, whether they petition for it or not. This is called the *compulsory referendum*. Where the *referendum* is taken only where a certain number petition for it, it is called the *optional referendum*.

The *referendum* and the *initiative* provide for *direct legislation*; that is, legislation directly by the people.

— Adapted from *The Encyclopedia of Social Reform*.

PROGRESS OF THE INITIATIVE AND REFERENDUM IN AMERICA.

(From *The Direct Legislator*, June, 1907.)

- 1897 Iowa applied Referendum to all franchise grants.
- 1897 Nebraska made Initiative and Referendum optional in cities
- 1898 South Dakota adopted Initiative and Referendum amendment.
- 1900 Utah adopted amendment for which Legislature has never passed enabling act.
- 1901 Illinois passed public policy law providing for advisory referendum.

- 1902 Oregon by constitutional amendment secured an effective form of the Initiative and Referendum.
- 1903 Los Angeles, California, applied Initiative and Referendum to municipal affairs.
- 1905 Nevada by constitutional amendment adopted the Referendum.
- 1905 Grand Rapids, Michigan, applied Initiative and Referendum to municipal affairs.
- 1906 Montana adopted Initiative and Referendum amendment.
- 1906 Delaware by popular vote instructed Legislature to provide for the Initiative and Referendum.
- 1907 (1) Oklahoma placed Initiative and Referendum in the Constitution to be submitted to the people.
- (2) Maine Legislature voted to submit an Initiative and Referendum amendment.
- (3) Missouri Legislature voted to submit an Initiative and Referendum amendment.
- (4) North Dakota Legislature voted to submit an Initiative and Referendum amendment.
- (5) Delaware Legislature placed the Initiative and Referendum in the charter of Wilmington.

When a book or magazine article is favorable to the initiative and referendum that fact is indicated by the letter F; if it presents the opposite view, that is indicated by the letter A. Where no letters are used no decided preference is expressed.

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OHIO.

Proposed Amendments to the Constitution.

Following is the text of Senate Joint Resolution No. 50, introduced by Senator W. L. Atwell:

Be it resolved by the General Assembly of the State of Ohio:

SECTION I. That a proposition be submitted to the electors of this state at the next election for members of the general assembly, to amend section 1 of article II of the constitution of the state of Ohio so as to read as follows:

Article II.

Section 1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate and a house of representatives; but the people reserve the right to enact or reject at the polls any law or part of a law which has been passed by the general

assembly, or any proposed law which, having been introduced by a member of the general assembly, has failed to pass or has not been passed by the general assembly without amendment.

No law or part of a law passed by the general assembly (except such as are necessary for the immediate preservation of the public peace, health or safety, and which are termed emergency measures, and are passed by two-thirds vote of each house,) shall become effective in less than ninety days after the adjournment of the general assembly at which the act was passed.

If, before the expiration of ninety days after the adjournment of any session of the general assembly, petitions are filed with the secretary of state, signed by five per cent of the voters of the state, requesting a popular vote upon any act or part of an act of said session of said general assembly, the same shall be submitted for the approval or rejection of the electors of the state at the first election held on the first Tuesday after the first Monday in November which occurs thirty days or more after the filing of said petitions, and all acts upon which popular vote is required shall remain in abeyance until such vote is officially counted, except that emergency acts may go into effect immediately and remain in effect until rejected by popular vote or repealed by the general assembly.

If, within thirty days before any election occurring on the first Tuesday after the first Monday in November, petitions are filed with the secretary of state, signed by five per cent of the voters of the state, requesting a popular vote upon any measure introduced by any member of the general assembly at any session of the general assembly which has failed to pass or has not been passed by the general assembly without amendment, the same shall be submitted for the approval or rejection of the electors of the state at said election.

Immediately, upon the official count of the ballots, any measure submitted to a direct vote of the electors and receiving a majority of all votes cast thereon, shall take effect and have the force of law, and any measure failing to receive a majority of all votes cast thereon, shall be null and void.

The whole number of votes cast for governor at the state election last preceding the filing of petitions shall be the basis on which to determine the required number of petitioners.

No measure adopted by vote of the electors shall be subject to the governor's veto.

This amendment shall be self-executing, but legislation may be enacted especially to facilitate its operation.

SEC. 2. At such election there shall be placed on the ballots the words "Constitutional Amendment, Article II, Section 1. For Direct Legislation—Yes—No." And electors shall vote thereon by marking their ballots in such manner as may be provided by law.

SEC. 3. That a proposition be submitted to the electors of this state at the next election for members of the general assembly to amend Section 18, Article II, of the constitution of the state of Ohio so as to read as follows:

Section 18. The style of the laws of this state shall be: "Be it enacted by the state of Ohio."

SEC. 4. At such election there shall be placed on the ballots the words: "Constitutional Amendment, Article II, Section 18—Yes—No." And the electors shall vote thereon by marking their ballots in such manner as may be provided by law.

At the last session of the General Assembly, Senator F. C. Howe, of Cleveland, introduced a joint resolution providing for the initiative and referendum. In its present form it is known as Substitute for Senate Joint Resolution No. 9, and is entitled "A resolution proposing the submission of amendments to the constitution of Ohio for direct legislation." It passed the Senate March 7, 1906, and was with the judiciary committee of the House at the opening of the present session. Following is the text in full:

Be it resolved by the General Assembly of the State of Ohio:

SECTION I. That a proposition be submitted to the electors of this state at the next election for members of the general assembly, to amend section I of article II of the constitution of the state of Ohio, so as to read as follows:

Article II.

Sec. 1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate and a house of representatives; but the people reserve the right to propose laws, to be enacted by the general assembly and if the same are not enacted by the general assembly, to have the same submitted to the vote of electors of the state to be by them enacted or rejected at the polls; and the people also reserve the right to require that any law or part of a law which the general assembly may have enacted may be submitted by referendum to the vote of the electors before taking effect.

Laws may be proposed by petition. Every such petition shall include the full text of the measure proposed, and such initiative petitions for the state be filed with the secretary of state, who shall transmit copies thereof to the speaker of the house of representatives, who shall immediately introduce the proposed law into the house for enactment. If the general assembly fail to pass the same without change or amendment before adjournment, the secretary of state shall cause the same to be voted on at the next general election. No act or part of an act passed by the general assembly (except such as are necessary for the immediate preservation of the public peace, health or safety, which are passed by two-thirds vote of each house), shall become effective in less than ninety days after its passage during which time referendum petitions may be filed with the secretary of state, who shall cause the act to be submitted to the electors for their approval at the next general election. All such measures shall remain in abeyance until such vote is decided. All such initiative and referendum petitions shall be signed by five per cent. of the electors of the state and all elections held thereunder shall be held at the election held on the first Tuesday after the first Monday in November after such petitions have been filed. Any measure submitted at such election shall take effect and become a law when it is approved by a majority of the votes cast at such election and not otherwise. The whole number of votes cast for governor at the state election last preceding the filing of any such initiative and referendum petitions shall be the basis on which the number of petitioners required shall be determined. No measure so adopted or approved by vote of the electors shall be subject to veto.

Laws shall be passed providing for the initiative and referendum for municipalities, counties and other political divisions of the state, in their local affairs.

In carrying this amendment into effect, all officers shall be guided by this amendment and all general laws applicable thereto.

SECTION 2. At such elections there shall be placed on the ballots the words, "constitutional amendment for direct legislation—yes, no." And the electors shall vote thereon by marking their ballots in such manner as may be provided by law.

SECTION 3. That a proposition be submitted to the electors of this state at the next election for members of the general assembly to amend section 18, article II of the constitution of the state of Ohio so as to read as follows:

Sec. 18. The style of the laws of this state shall be: "Be it enacted by the state of Ohio:"

SECTION 4. At such elections there shall be placed upon the ballots the words, "constitutional amendment. Section 18, article II, yes, no." And the electors shall vote thereon by marking their ballots in such manner as may be provided by law.

CONSTITUTIONAL PROVISIONS.

The state constitutions of Montana, Nevada, Oklahoma, Oregon, South Dakota, and Utah contain provisions for the initiative and referendum.

Montana: Article V.

SECTION 1. The Legislative authority of the State shall be vested in a legislative assembly consisting of a senate and house of representatives; but the people reserve to themselves power to propose laws, and to enact or reject the same at the polls, except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Article V, Section 26, of this Constitution, independent of the legislative assembly; and also reserve power at their own option, to approve or reject at the polls, any act of the legislative assembly, except as to laws necessary for the immediate preservation of the public peace, health or safety, and except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Article V, Section 26, of this Constitution. The first power reserved by the people is the initiative, and eight per cent. of the legal voters of the state shall be required to propose any measure by petition; provided, that two-thirds of the whole number of the counties of the State must each furnish, as signers of said petition, eight per cent. of the legal voters in such county, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon.

The second power is the referendum, and it may be ordered either by petition, signed by five per cent. of the legal voters of the State; provided, that two-fifths of the whole number of the counties of the State must each furnish as signers of said petition five per cent. of the legal voters in such county, or, by the legislative assembly as other bills are enacted.

Referendum petitions shall be filed with the Secretary of State, not later than six months after the final adjournment of the session of the

legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people by the legislative assembly or by initiative referendum petitions.

All elections on measures referred to the people of the state shall be had at the biennial regular general election, except when the legislative assembly, by majority vote, shall order a special election. Any measure referred to the people shall still be in full force and effect unless such petition be signed by fifteen per cent. of the legal voters of a majority of the whole number of the counties of the State, in which case the law shall be inoperative until such time as it shall be passed upon at an election, and the result has been determined and declared as provided by law. The whole number of votes cast for governor at the regular election last preceding the filing of any petition for the initiative or referendum, shall be the basis on which the number of legal petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State; and in submitting the same to the people, he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor. The enacting clause of every law originated by the initiative shall be as follows:

"Be it enacted by the people of Montana:"

This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure.

Nevada: Article XIX.

SECTION 1. Whenever ten per centum or more of the voters of this state, as shown by the number of votes cast at the last preceding general election, shall express their wish that any law or resolution made by the Legislature be submitted to a vote of the people, the officers charged with the duty of announcing and proclaiming elections, and of certifying nominations, or questions to be voted on, shall submit the question of the approval or disapproval of said law or resolution to be voted at the next ensuing election wherein a State or Congressional officer is to be voted for, or wherein any question may be voted on by the electors of the entire state.

Sec. 2. When a majority of the electors voting at a state election shall by their votes signify approval of a law or resolution, such law or resolution shall stand as the law of state, and shall not be overruled, annulled, set aside, suspended, or in any way made inoperative except by the direct vote of the people. When such majority shall so signify disapproval, the law or resolution so disapproved shall be void and of no effect.

Oklahoma: Article V.

SECTION 1. The legislative authority of the state shall be vested in a legislature, consisting of a senate and a house of representatives; but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option, to approve or reject at the polls any act of the legislature.

SEC. 2. The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any

legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by five per centum of the legal voters or by the legislature as other bills are enacted. The ratio and per centum of legal voters herein before stated shall be based upon the total number of votes cast at the last general election for the state office receiving the highest number of votes at such election.

SEC. 3. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures voted on by the people. All elections on measures referred to the people of the state shall be had at the next election held throughout the state, except when the legislature or the governor shall order a special election for the express purpose of making such reference. Any measure referred to the people by the initiative shall take effect and be in force when it shall have been approved by a majority of the votes cast in such election. Any measure referred to the people by the referendum shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon and not otherwise.

The style of all bills shall be: "Be it enacted by the People of the State of Oklahoma."

Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state and addressed to the governor of the state, who shall submit the same to the people. The legislature shall make suitable provisions for carrying into effect the provisions of this article.

SEC. 4. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the legislature in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of such act from becoming operative.

SEC. 5. The powers of the initiative and referendum reserved to the people by this constitution for the state at large, are hereby further reserved to the legal voters of every county and district therein, as to all local legislation, or action, in the administration of county and district government in and for their respective counties and districts.

The manner of exercising said powers shall be prescribed by general laws, except that boards of county commissioners may provide for the time of exercising the initiative and referendum powers as to local legislation in their respective counties and districts.

The requisite number of petitioners for the invocation of the initiative and referendum in counties and districts shall bear twice, or double, the ratio to the whole number of legal voters in such county or district, as herein provided therefor in the state at large.

SEC. 6. Any measure rejected by the people through the powers of the initiative and referendum cannot be again proposed by the initiative within three years thereafter by less than twenty-five per centum of the legal voters.

SEC. 7. The reservation of the powers of the initiative and refer-

endum in this article shall not deprive the legislature of the right to repeal any law, propose or pass any measure, which may be consistent with the constitution of the state and the constitution of the United States.

SEC. 8. Laws shall be provided to prevent corruption in making, procuring and submitting initiative and referendum petitions.

Oregon: Article IV.

SECTION 1. The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the constitution and to enact or to reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by the petition signed by five per cent. of the legal voters, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the biennial regular general election, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast therein, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the State of Oregon." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.

SEC. 1a. The referendum may be demanded by the people against one or more items, sections or parts of any act of the legislative assembly, in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of that act from becoming operative. The initiative and referendum powers reserved to the people by this constitution are hereby further reserved to all local, special and municipal legislation of every character, in and for their respective municipalities and districts. The manner of exercising said powers shall be prescribed by general laws, except that cities and

towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten per cent. of the legal voters may be required to order the referendum nor more than fifteen per cent. to propose any measure, by the initiative, in any city or town.

Article XVII.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislative assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the secretary of state to the people for their approval or rejection, at the next regular general election, except when the legislative assembly shall order a special election for that purpose. If a majority of the electors voting on any such amendment shall vote in favor thereof, it shall thereby become a part of this constitution. The votes for and against such amendment or amendments, severally, whether proposed by the legislative assembly or by initiative petition, shall be canvassed by the secretary of state in the presence of the governor, and if it shall appear to the governor that the majority of the votes cast at said election on said amendment or amendments, severally, are cast in favor thereof, it shall be his duty forthwith after such canvass, by his proclamation, to declare the said amendment or amendments, severally, having received said majority of votes to have been adopted by the people of Oregon as a part of the constitution thereof, and the same shall be in effect as a part of the constitution from the date of such proclamation. When two or more amendments shall be submitted in the manner aforesaid to the voters of this state, at the same election, they shall be so submitted that each amendment shall be voted on separately. No convention shall be called to amend or propose amendments to this constitution, or to propose a new constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular general election. This article shall not be construed to impair the right of the people to amend this constitution by vote upon an initiative petition therefor.

South Dakota: Article III.

SECTION 1. The legislative power shall be vested in a legislature which shall consist of a senate and house of representatives. Except that the people expressly reserve to themselves the right to propose measures, which measures the legislature shall enact and submit to a vote of the electors of the state, and also the right to require that any laws which the legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, (except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions): Provided, That not more than five per centum of the qualified electors of the state shall be required to invoke either the initiative or the referendum. This section shall not be construed so as to deprive the legislature or any member thereof of the right to propose any measure. The veto power of the executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by

vote of the electors of the state shall be: "Be it enacted by the People of South Dakota." The legislature shall make suitable provisions for carrying into effect the provisions of this section.

Utah: Article VI.

SECTION 1. The legislative power of the state shall be vested:

1. In a senate and house of representatives, which shall be designated the legislature of the state of Utah.

2. The people of the state of Utah, as hereinafter stated:

The legal voters, or such fractional part thereof, of the state of Utah, as may be provided by law, under such conditions, and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection, or may require any law passed by the legislature, (except those passed by a two-thirds vote of the members elected to each house of the legislature) to be submitted to the voters of the state before such law shall take effect.

The legal voters or such fractional part thereof as may be provided by law, of any legal subdivision of the state, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection, or may require any law or ordinance passed by the law-making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect.

SEC. 22. The enacting clause of every law shall be, "Be it enacted by the Legislature of the State of Utah." Except such laws as may be passed by the vote of the electors as provided in subdivision 2, section 1 of this article, and such laws shall begin as follows: "Be it enacted by the People of the State of Utah." * * *

PROPOSED AMENDMENTS.

Maine, Missouri and North Dakota have submitted the following amendments to be voted on in 1908:

Maine: Article IV, Part 1.

SECTION 1. The legislative power shall be vested in two distinct branches, a house of representatives and a senate, each to have a negative on the other, and both to be styled the Legislature of Maine, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolve or resolution passed by the joint action of both branches of the legislature, and the style of their laws and acts shall be, "Be it enacted by the People of the State of Maine."

Part Three.

SECTION 1. The legislature shall convene on the first Wednesday of January, biennially, and, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regula-

tions for the defense and benefit of the people of this state, not repugnant to this constitution nor to that of the United States.

SEC. 17. Upon the written petition of not less than ten thousand electors, addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves, or resolutions, or part or parts thereof, passed by the legislature but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves or resolutions, or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve or resolution, or part or parts thereof, has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof.

SEC. 18. The electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation, but not an amendment of the state constitution, by written petition addressed to the legislature or to either branch thereof and filed in the office of the secretary of state or presented to either branch of the legislature at least thirty days before the close of its session. Any measure thus proposed by not less than twelve thousand electors, unless enacted without change by the legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general election, to be held not less than sixty days after the first vote thereon, be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The legislature may order a special election on any measure that is subject to a vote of the people. The governor may, and if so requested in the written petitions addressed to the legislature, shall by proclamation, order any measure proposed to the legislature by at least twelve thousand electors as herein provided, and not enacted by the legislature without change, referred to the people at a special election to be held not less than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the legislature, to which such measure was proposed.

SEC. 19. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in thirty days after the

governor has made public proclamation of the result of the vote on said measure, which he shall do within ten days after the vote thereon has been canvassed and determined. The veto power of the governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed by the legislature without change, if vetoed by the governor and if his veto is sustained by the legislature shall be referred to the people to be voted on at the next general election. The legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote.

SEC. 20. As used in either of the three preceding sections the words "electors" and "people" mean the electors of the state qualified to vote for governor; "recess of the legislature" means the adjournment without day of a session of the legislature; "general election" means the November election for choice of presidential electors or the September election for choice of governor and other state and county officers; "measure" means an act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of one of the petitioners certified thereon, and accompanied by the certificate of the clerk of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for governor. The petitions shall set forth the full text of the measure requested or proposed. The full text of a measure submitted to a vote of the people under the provisions of the constitution need not be printed on the official ballots, but, until otherwise provided by the legislature, the secretary of state shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

SEC. 21. The city council of any city may establish the initiative and referendum for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such initiative and referendum shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election. Provided, however, that the legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs.

SEC. 22. Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding section self executing.

Missouri: Article IV.

SECTION 1. The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters in each of at least two-

thirds of the congressional districts in the state shall be required to propose any measure by such petition and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon.

The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of the state institutions and for the support of the public schools) either by the petition signed by five per cent. of the legal voters in each of at least two-thirds of the congressional districts in the state, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded.

The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the People of the State of Missouri."

This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or for the referendum, shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he, and all other officers shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.

North Dakota: Article II, Section 25.

SECTION 25 of article 2 of the constitution of the state of North Dakota shall be and hereby is amended to read as follows:

25. The legislative authority of the state of North Dakota shall be vested in a legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls, any act, item, section, or part of any act or measure passed by the legislative assembly.

The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed, but the same constitutional amendment shall not be proposed oftener than once in ten years. Initiative petitions shall be filed with the secretary of state not less than thirty days before any regular session of the legislative assembly. He shall transmit the same to the legislative assembly as soon as it convenes. Such initia-

tive measures shall take precedence over all other measures in the legislative assembly except appropriation bills, and shall be either enacted or rejected without change or amendment by the legislative assembly within forty days. If any such initiative measure shall be enacted by the legislative assembly it shall be subject to referendum petition or it may be referred by the legislative assembly to the people for approval or rejection. If it is rejected, or no action is taken upon it by the legislative assembly within said forty days, the secretary shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislative assembly may reject any measure so proposed by initiative petition and propose a different one to accomplish the same purpose, and in any such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular election. If conflicting measures submitted to the people at the next ensuing election shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become valid and the other shall thereby be rejected.

The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety) as to any measure or any parts, items or sections of any measure passed by the legislative assembly, either by a petition signed by five per cent. of the legal voters or by the legislative assembly if a majority of the members-elect vote therefor. When it is necessary for the immediate preservation of the public peace, health, or safety that a law shall become effective without delay, such necessity and the facts creating the same shall be stated in one section of the bill, and if upon aye and nay vote in each house two-thirds of all the members elected to each house shall vote on a separate roll call in favor of the said law going into instant operation for the immediate preservation of the public peace, health or safety, such law shall become operative upon approval by the governor.

The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of that act from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at biennial regular general elections, except as provision may be made by law for a special election or elections. Any constitutional amendment or other measures referred to the people shall take effect when it is approved by a majority of the votes cast thereon and not otherwise, and shall be in force from the date of the official declaration of the vote. The enacting clause of all initiative bills shall be "Be it enacted by the people of the state of North Dakota." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general

laws and the act submitting this amendment until legislation shall be specially provided therefor. This amendment shall be self-executing, but legislation may be enacted especially to facilitate its operation.

Filed in the office of the secretary of state March 23, 1907.

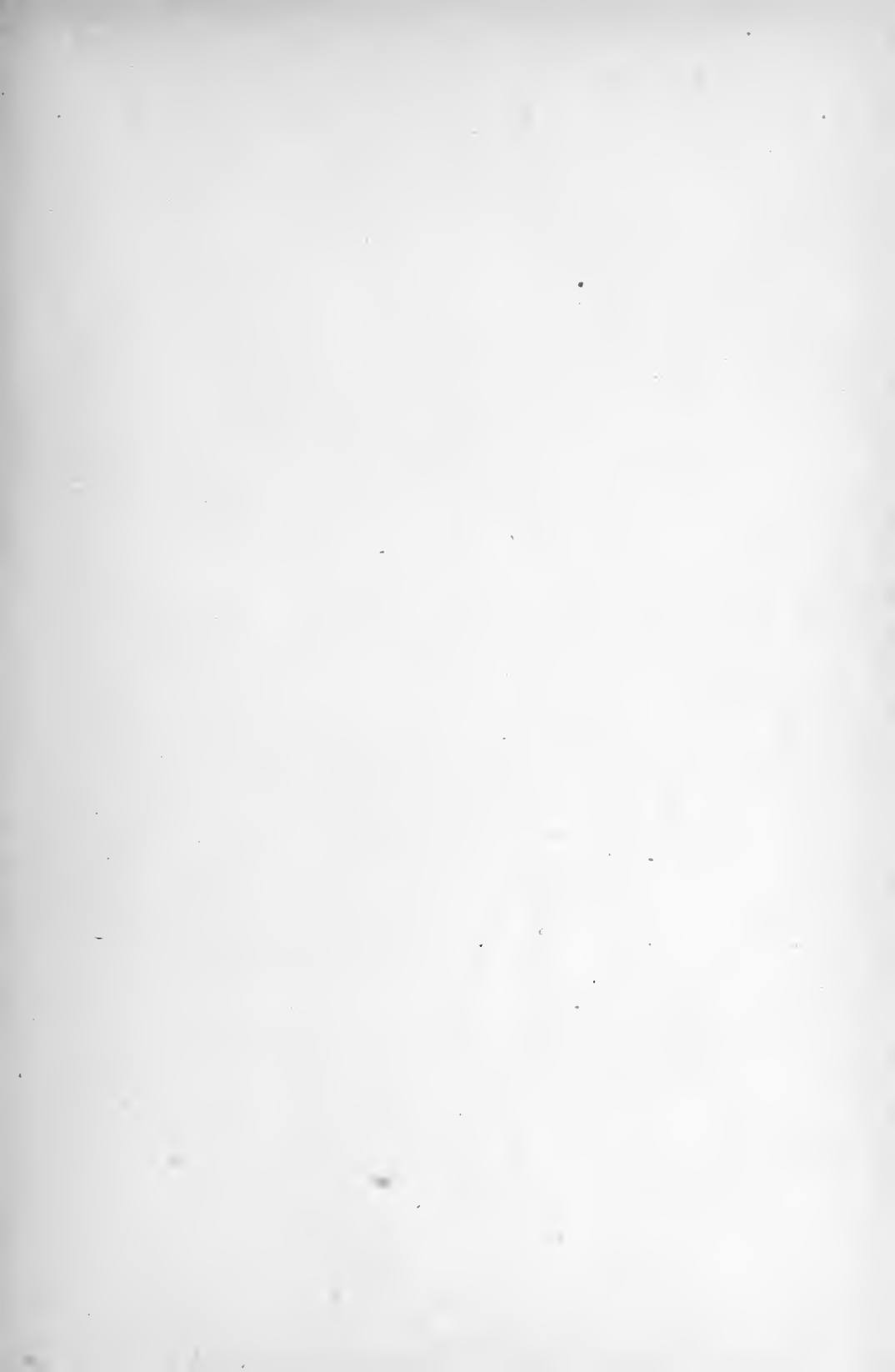
In the compilation of the reading lists of this publication reference has frequently been made to similar lists published by the Wilmington (Del.) Institute Free Library and the Legislative Reference Department of the Michigan State Library.



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